

STEVEN T. JAFFE, ESQ.
Nevada Bar No. 7035
sjaffe@halljaffe.com

HALL JAFFE, LLP
7425 Peak Drive
Las Vegas, Nevada 89128
(702) 316-4111
Fax (702) 316-4114

FARHAN R. NAQVI, ESQ.
Nevada Bar No. 8589
naqvi@naqvilaw.com
JACOB A. SUTY, ESQ.
Nevada Bar No.: 16330
jsuty@naqvilaw.com

NAQVI INJURY LAW
9500 W. Flamingo Road, Ste. Ste. 104
Las Vegas, Nevada 89147
(702) 553-1000
Fax (702) 553-1002

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LARON ONEAL, individually,

Plaintiff,

vs.

ALBERTSON'S, LLC d/b/a
ALBERTSON'S; SAFEWAY INC. d/b/a
ALBERTSON'S; ALBERTSON'S STORES
SUB LLC; AB ACQUISITION LLC; DOES
1 through 100 and ROE CORPORATIONS 1
through 100, inclusive,

Defendants.

Case No.: 2:23-cv-00643-APG-MDC

**STIPULATION AND ORDER TO
REOPEN AND RESCHEDULE
DISCOVERY PLAN AND
SCHEDULING ORDER
(FIFTH EXTENSION)**

Plaintiff Laron Oneal and the Albertson's Defendants, by and through their counsel of record, do hereby stipulate and agree to an extension of the discovery deadlines, dispositive motion deadline, and the pre-trial order deadline in this matter for a period of ninety (90) days,

for the reasons set forth herein. The parties further set forth that pursuant to LR 1A 6-1 and LR 26-3, this requested extension is sought based on good cause, and after a recent hearing before this court on August 6, 2024, when the parties and the court did meet to address outstanding issues.

This Stipulation is a product of the parties' multiple meet and confer sessions, agreements and concessions made by each side, and is submitted in good faith.

A. Discovery Completed to Date – LR 26-3(a)

1. The parties conducted a conference pursuant to FRCP 26(f) on May 22, 2023
 - a. Plaintiff served the following disclosures pursuant to FRCP 26:
 - i. Initial disclosure on May 31, 2023
 - ii. First Supplement on November 20, 2023
 - iii. Second Supplement on December 6, 2023
 - iv. Third Supplement on July 11, 2024
 - b. Defendants served the following disclosures pursuant to FRCP 26
 - i. Initial disclosure on June 29, 2023
 - ii. First Supplement on September 14, 2023
 - iii. Second Supplement on November 20, 2023
 - iv. Third Supplement on December 19, 2023
 - v. Fourth Supplement on January 11, 2024
 - vi. Fifth Supplement on May 13, 2024
 - vii. Sixth Supplement on May 15, 2024
 - viii. Seventh Supplement on June 10, 2024
2. The parties served and responded to interrogatories, requests for production, and requests for admissions
 - a. Plaintiff served the Defendants with interrogatories on June 30, 2023, to which the Defendants responded on August 21, 2023
 - b. Plaintiff served Defendants with the First Request for Production on June 30, 2023, to which the Defendants responded on September 14, 2023;

- c. Plaintiff served Defendants with the Second Request for Production on January 19, 2024, to which the Defendants responded on March 5, 2024
 - d. Plaintiff served Defendants with the Third Request for Production on April 11, 2024, to which the Defendants responded on May 13, 2024
 - e. Plaintiff served Defendants with the Fourth Request for Production on April 15, 2024, to which the Defendants responded on May 15, 2024
 - f. Plaintiff served Defendants with the Fifth Request for Production on April 22, 2024, to which the Defendants responded on May 15, 2024
 - g. Plaintiff served Defendants with the Sixth Request for Production on May 8, 2024, to which the Defendants responded on June 10, 2024
 - h. Plaintiff served Defendants with the Seventh Request for Production on May 13, 2024, to which the Defendants responded on June 13, 2024
 - i. Plaintiff served Defendants with the Eighth Request for Production on May 16, 2024, to which the Defendants responded on June 13, 2024
 - j. Plaintiff served Defendants with the First Request for Admissions on April 15, 2024, to which the Defendants responded on May 13, 2024
 - k. Defendant supplemented discovery responses with records from employees Rutledge, Dufala, Mergerson, Everett, and Sinnott, in October and November 2024;
 - l. Defendant served Plaintiff with interrogatories on July 17, 2023, to which the Defendants responded on August 30, 2023
 - m. Defendant served Plaintiff with interrogatories on July 17, 2023, to which the Defendants responded on August 30, 2023
3. The following depositions have taken place
- a. Deposition of Plaintiff Laron Oneal, taken on November 21, 2023;
 - b. Deposition of Chris Rutledge, taken on October 15, 2024;
 - c. Deposition of Laurie Dufala, taken on October 16, 2024; and,

d. Deposition of Shandana Mergerson, scheduled for November 6, 2024, pursuant to subpoena, witness failed to show and Motion for Order to Show Cause currently pending before this court.

B. Discovery Remaining to be Completed – LR 26-3(b)

1. Deposition of Defendant's former employee Shandana Mergerson
2. Deposition of Defendant's witness(es) produced pursuant to FRCP 30(b)(6), subsequent to completing depositions of employees and developing a list of topics
3. Deposition of Defendant's employee Devin Everett (Possible, depending on other testimony obtained)
4. Deposition of Defendant's former employee Robert Sinnott (Possible, depending on other testimony obtained)
5. Deposition of Defendant's former employee Andru Floyd (Possible, depending on other testimony obtained)
6. Deposition of Plaintiff's Expert Witness Raimundo Leon, MD
7. Plaintiff also reserves the right to conduct depositions of experts, particularly if they supplement reports, which issue the parties agreed to discuss further based on the as yet uncompleted
8. Defendants reserve the right to conduct depositions of Plaintiff's treating providers, if necessary

C. Reasons for Extension – LR 26-3(c)

The parties continue to work together towards completing discovery in this case, and have numerous communications, both via email and on phone calls, as well as in person during depositions, to discuss discovery planned, needed, contemplated, and reasonably necessary and likely. Plaintiff conducted the depositions of two of Defendants' employees, Chris Rutledge and Laurie Dufala, after which Plaintiff's counsel determined that he no longer likely needed certain other planned depositions; however, it also called for the need for the deposition of another former employee of Defendants' Shandana Mergerson.

The parties scheduled that deposition for November 6, 2024, and Plaintiff served Ms. Mergerson with a subpoena to appear, but she failed to appear or call to reschedule her deposition. Plaintiff considers this to be an important deposition, because Ms. Mergerson dealt directly with Plaintiff after his incident and when he reported it to the store, and as the only store employee who directly dealt with Plaintiff, her testimony remains important. Plaintiff filed a motion seeking an Order to Show Cause against Mr. Mergerson, which motion remains pending before this court.

Plaintiff further requires this deposition before his counsel can finalize topics for depositions of Defendants' corporate representatives pursuant to FRCP 30(b)(6). Due to time of the season issues, Defendants requested that Plaintiff conduct the depositions of the corporate designees after February 15, 2025, which timing would be perfect, given the additional time needed to secure the deposition of Ms. Mergerson.

Plaintiff also recently underwent spinal surgery on December 10, 2024. Defendants' counsel requested to conduct the deposition of one of Plaintiff's medical experts, and indicated the potential need to depose Plaintiff's treating physicians, as well. As this surgery only recently took place, Plaintiff's counsel is collecting those medical records for service. Therefore, the parties need additional time to address this issue.

Finally, there remain open issues as to written discovery requests and supplements. The parties are currently working towards handling those issues, and anticipate doing so without further need for assistance of the court.

New Discovery Deadlines

	Current Deadline	New Deadline
Amend Pleadings/Add Parties	CLOSED	CLOSED
Initial Expert Disclosure	CLOSED	CLOSED
Rebuttal Expert Disclosure	CLOSED	CLOSED
Discovery Deadline	December 30, 2024	March 31, 2025
Dispositive Motion Deadline	January 29, 2025	April 30, 2025
Pre-Trial Order Deadline	February 28, 2025	June 13, 2025

Plaintiff's counsel requests an additional two weeks for the Pre-Trial Order, as he will be out of the country for personal reasons for the two weeks ending May 30, 2025, which would be the thirty day deadline. Instead of returning for an additional extension and to handle everything at once, knowing he will be out of the country, he requests to resolve this issue at present.

The parties further stipulate that if either or both parties file dispositive motions, the joint pre-trial order shall be suspended until 30 days after the court rules on the dispositive motions. The parties make this request for extension for compelling reasons and in good faith, and after meeting and conferring in detail on the length of the extension, the reasons for the extension, the additional discovery needed, and for other good cause existing.

WHEREFORE, the parties respectfully request that this Court extend the discovery period from the current deadlines as outlined above.

/s/ Steven T. Jaffe

Steven T. Jaffe, Esq.
Hall Jaffe, LLP
7425 Peak Drive
Las Vegas, Nevada 89128
Attorney for Plaintiff

Jacob A. Suty, Esq.
Naqvi Injury Law
9500 West Flamingo, Ste 104
Las Vegas, Nevada 89147
Attorney for Plaintiff

/s/ Jacquelyn Franco

Jack P. Burden, Esq.
Jacquelyn Franco, Esq.
Backus | Burden
3050 S. Durango Dr.
Las Vegas, Nevada 89117
Attorneys for Defendants

ORDER

IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

1-3-25